Alberta's Environmental Assessment Process

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Alberta
ENVIRONMENT

Introduction

Alberta's regulatory framework for sustainable industrial development includes six core business functions – project evaluation; approvals; monitoring; enforcement; setting standards, objectives and guidelines; and decommissioning and reclamation.

Project evaluation may be a relatively straightforward process for smaller, routine activities. It is more complex for large projects in environmentally sensitive areas. Environmental assessment is part of the project evaluation function.

The most comprehensive and transparent form of environmental review is the preparation of an Environmental Impact Assessment (EIA) report. It typically considers the activities in the area around the project as well as the project itself and a combination of economic, environmental and social issues, as well as resource sustainability.

Regional Program Delivery

Alberta Environment has a regional approach to program delivery. Alberta is divided into three regions – Northern, Central and Southern – with offices located strategically across the province. Staff in these regional offices are responsible for managing issues and the delivery of regulatory services related to Environmental Protection and Enhancement Act and Water Act approvals, monitoring and compliance, and environmental management. Environmental assessment is part of the approval and environmental management processes.

History of Environmental Assessment in Alberta

Alberta's Environmental Assessment process has been in place since 1973. The process was first administered using a set of guidelines. In the early 1990s, the Alberta government undertook a major review of its pollution control and environmental protection legislation with the goal of developing new comprehensive environmental legislation for Alberta. This review, which involved extensive public consultation, resulted in the *Environmental Protection and Enhancement Act* (EPEA) and various associated regulations. As part of this initiative, the Environmental Assessment process was incorporated into EPEA as Part 2, Division 1.

The consolidation of Alberta's environmental legislation represented a major step towards developing a comprehensive and streamlined environmental regulatory system in the province. One of the cornerstones of this regulatory system is a combined project review and approval process for certain activities, which includes public consultation and appeal stages. A potential first step in the process is the preparation of an EIA report by the proponent.

What is the Purpose of Environmental Assessment?

Alberta's Environmental Assessment process has three basic goals:

Information

Environmental assessment is an information-gathering process. The information required in an EIA report focuses on the information needs of regulatory and resource management decision-makers, as well as informing the public, government agencies and industry about environmental matters. After the Environmental Assessment process has been completed, decisions about

whether a project can proceed are made with consideration for the information in an EIA report, as well as other economical and technical information.

Public Involvement
The Environmental Assessment process provides an opportunity for people who may be affected by a proposed activity to express any concerns and provide advice to proponents and government agencies. The consultation process undertaken by a proponent and results achieved are documented in the EIA report.

Support Sustainable Development
The consideration of environmental consequences at early project planning stages and linkages between environmental assessment and project specific or regional management systems is intended to support Alberta's commitment to sustainable development and Alberta Environment's commitment to shared stewardship for the environment. Environmental assessment provides an opportunity to examine the effects that projects may have on the relationship between a sustainable environment, a sustainable economy and a sustainable community – the three components of sustainable development.

Who is Responsible for Environmental Assessment?

The project proponent is responsible for evaluating the project-specific and cumulative impacts that a project may have on the environment and reporting that information to regulatory decision-makers. Alberta Environment is responsible for the administration of Alberta's laws governing environmental assessment.

These responsibilities and opportunities for members of the public to be involved in the environmental assessment or other environmental protection regulatory activities are set out in EPEA and the *Water Act*. The Environmental Assessment Regulation and the Environmental Assessment (Mandatory and Exempted Activities) Regulation provide direction on matters related to the administration of the Environmental Assessment process.

Other provincial departments and levels of government may also have a regulatory interest in a project and may actively participate in reviewing the proponent's EIA report. Cross-department cooperation and work-sharing ensure that environmental and other regulatory services, and public services in general, are efficient, effective and fair and that government-wide goals such as the Alberta Advantage and sustainable environment and resource management are achieved. Environmental assessment was one of the first cross-department initiatives used by the Government of Alberta, having been delivered through inter-departmental collaboration since the early 1970s.

In addition to provincial government departments and associated public agencies, Alberta's industry, municipal governments and citizens are actively involved in regulatory reviews, including environmental assessment. They contribute to the success of Alberta's regulatory framework. Stewardship and shared responsibility for the environment is a part of Alberta's past and future success in environmental management.

Other Environmental Assessment Processes in Alberta

There are environmental assessments conducted in Alberta which do not fall under the responsibility of Alberta Environment and are not mandated by EPEA. The Government of Canada, municipalities, corporations and lending institutions also undertake environmental assessment processes under their own laws and authority and for a variety of purposes. When the Government of Canada applies environmental assessment to projects in Alberta that are also subject to the Alberta regulatory framework, cooperative arrangements are made wherever possible to minimize the overlap and duplication of government services, while undertaking thorough and timely environmental reviews. Provisions for federal involvement in the Alberta Environmental Assessment process are set out in a bilateral agreement, "The Canada – Alberta Agreement for Environmental Assessment Cooperation".

What Projects are Subject to the Environmental Assessment Process?

Part 2, Division 1 of EPEA governs Alberta's Environmental Assessment process and sets out the methods used to determine whether an environmental assessment is needed. The intent of EPEA is that the process will be used where the complexity and scale of the project, technology, resource allocation or siting conditions create a potential for significant adverse environmental effects. Uncertainty about the exact nature of the effects, preferred alternatives or mitigation strategies is a pre-condition to the useful application of environmental assessment. The completed environmental assessment assists decision-makers to decide if a project is in the public interest.

Where environmental consequences and mitigative measures are known, as with routine, familiar or readily predictable types of projects, assessments will have a lesser contribution to public understanding or decision-making for the project. The environmental reviews conducted in environmental approval application review processes or the guidance of codes of practice and monitoring/enforcement systems are appropriate regulatory tools to ensure routine activities achieve environmental protection and resource management goals.

Some activities, because of the nature or scale of the development involved, have been designated as activities for which an EIA report is mandatory. Mandatory projects, such as pulp mills, oil refineries, mines and large dams, which are always subject to the Environmental Assessment process, are identified in the Environmental Assessment (Mandatory and Exempted Activities) Regulation. This regulation also identifies certain activities that generally do not require the preparation of an EIA report. For other projects or activities, EPEA provides steps to determine if the Environmental Assessment process should be applied.

What are the Stages of the Environmental Assessment Process?

The process has essentially four stages:

STAGE 1 – Determination of Need

The Environmental Assessment process begins when the proponent, another government department, local authority or other person informs Alberta Environment about a new project. In most cases, the initial point of contact with Alberta Environment is the local regional office. Regional staff ascertain the nature of the project and determine whether the project requires approval under legislation administered by Alberta Environment. Based on information about the project and the applicability of environmental legislation, Alberta Environment will either proceed to review the application or recommend that further assessment of environmental effects under Part 2, Division 1, of EPEA may be warranted before considering the application further. In the latter case, the project is referred to the Director responsible for environmental assessment (the Regional Environmental Manager).

The Regional Environmental Manager considers the available project information, legislative requirements and staff recommendations. If the Regional Environmental Manager agrees to consider the project, the proponent may be advised that the project is being considered for further assessment. There are three potential outcomes to this process:

1. The project is determined to be a mandatory activity and the proponent is directed to prepare and submit an EIA report
2. The Regional Environmental Manager determines that an EIA report is not required, and the proponent is advised to proceed with applying for any approvals that may be required from Alberta Environment
3. The Regional Environmental Manager determines that more information is required to determine if an EIA report is required through the preparation of a Screening report

Preparation of a Screening report includes public disclosure of the project by the proponent and an opportunity for the public to comment to the Regional Environmental Manager on the merits of the project and the need for an EIA report. Government agencies and departments may also be asked to provide comments. The minimum period for public comment is 30 days. After that time, information provided by the proponent, the public and government agencies is used by Alberta Environment to prepare a Screening report that considers the complexity of the project, the nature of technology involved, the sensitivity of the location, the presence of other similar activities, public interest and any other factors the Regional Environmental Manager sees are significant. The objective of the screening is to identify the most appropriate form of environmental review for the project, which may be an EIA report, an approval application review process or even a routine regulatory approach (code of practice, reclamation certificate).

When completed, the Screening report is made available to the public and the Regional Environmental Manager advises the proponent and interested public whether an EIA report is required. As mentioned previously, if an EIA report is not required, the proponent is advised to proceed to apply for any approvals that may be required from Alberta Environment, and if an EIA report is required, the proponent is directed to prepare and submit the necessary documents.

STAGE 2 – Preparation of the EIA report

To help determine the scope of assessment for an EIA report, the proponent prepares proposed Terms of Reference and provides them to the public and to Alberta Environment for review. The procedures for preparing a proposed Terms of Reference, advertising its availability and for Alberta Environment to review the proposal and issue final Terms of Reference are set out in EPEA and the regulations. The proposed Terms of Reference are published with notices of the EIA report requirement and with a project description. Proponents often refer to previous terms of reference issued for similar projects when preparing their own proposed Terms of Reference.

Alberta Environment provides leadership for the participation of other provincial government departments and associated public agencies in the review of the proposed Terms of Reference. The Canadian Environmental Assessment Agency (the Agency), which is responsible for coordinating federal environmental assessments, and where appropriate municipal government agencies with environmental responsibilities, and other provinces are also notified that an EIA report is required. The Agency is requested to coordinate a determination of federal interests and regulatory requirements.

If a cooperative environmental assessment (where both governments require an environmental assessment by law) or federal involvement in Alberta's Environmental Assessment process are identified, the Agency will discuss participation plans and information needs with the Regional Environmental Manager. When a project may be reviewable under the *Canadian Environmental Assessment Act* (CEAA), every reasonable effort is made to ensure that the EIA report Terms of Reference issued under EPEA will also address requirements under CEAA.

The Regional Environmental Manager considers input received from the public and from other government agencies and issues the final Terms of Reference that establish the scope of assessment for the project. The proponent uses the final Terms of Reference to prepare the EIA report. These Terms of Reference are also made available to the public.

The *Environmental Protection and Enhancement Act* sets out general requirements for information to be included in the EIA report. These requirements are confirmed, varied or detailed in the final Terms of Reference issued by the Regional Environmental Manager. Most EIA reports include:

- a detailed description of the project including the nature and scale of specific activities involved
- the location and environmental setting for the project, and baseline environmental, social and culture information
- the potential positive and negative environmental, health, social, economic and cultural impacts of the proposed activity
- plans to mitigate potential adverse impacts and to respond to emergencies
- information on public consultation programs undertaken with respect to the proposed activity and actions taken by the proponent to resolve public concerns

- an assessment of "cumulative effects", which are the combined effects of the proposed project and other activities that are occurring or may be reasonably expected to occur in the subject area

Alberta is a province where industrial development takes place at an active pace. This has increased the number of environmentally-significant activities within the key development regions (spatial and temporal crowding) and the importance of cumulative effects assessment as a key component of an EIA report.

In preparing the EIA report, the proponent frequently consults with the public about the project with the assistance of private consultants. The proponent is also encouraged at this stage to establish a dialogue with government agencies that will be reviewing the EIA report to ensure that the information provided will meet the needs of those agencies.

Once completed, the EIA report is submitted to the Regional Environmental Manager for review. In the case of most large energy or resource development projects, the EIA report is part of the application submitted to the Alberta Energy and Utilities Board (EUB) or the Natural Resources Conservation Board (NRCB), either of which are commonly referred to as "the Board".

STAGE 3 – Technical Review

The purpose of the EIA report is to provide information about the project and its anticipated impacts that is useful for decision-making. The EIA report is made available by the proponent to the public, who may comment on it directly to the proponent or at the project decision stage to the Board, if a public hearing is held.

The EIA report is reviewed by Alberta Environment and associated public agencies. This task is assigned to a multi-disciplinary, integrated team of experts from various government agencies and departments. These teams are usually media-based resulting in specialist review teams for air, water, terrestrial and health issues. Depending upon the nature and location of the project, federal, other provincial governments and municipal governments may also participate in the evaluation of the EIA report. When an environmental assessment is required under both Alberta and federal legislation, a cooperative assessment review is conducted under the terms of the *Canada-Alberta Agreement for Environmental Assessment Cooperation*. Provincial and federal specialists work together on a joint federal-provincial review team to evaluate the EIA report and ensure information is available for decision-makers in both orders of government.

The purpose of the review is to identify any project-related uncertainties or risks and determine that the information provided by the proponent meets the following objectives:

- satisfies the requirements of the Terms of Reference and EPEA
- describes the nature and setting of the proposed activity
- describes the proponent's understanding of possible effects of the proposed activity on the environment in the context of good science
- describes mitigation to reduce negative effects from the proposed activity
- describes how the proponent will monitor and manage residual effects

- shows how the proposed activity relates to existing and future activities with which it may interact
- explains how the proponent consulted with the public and others who may be affected by the project, the key issues discussed, and whether they were resolved

If the information provided is either unclear or insufficient to meet these objectives, the Review Team, through the Regional Environmental Manager, may request additional Supplemental Information. In those cases where the EIA report is part of the application to a Board, the request for Supplemental Information is coordinated through that Board.

Supplemental Information provided by the proponent is considered part of the EIA report, and the proponent is directed to provide this information to anyone who has received the EIA report. This ensures that the public and other interested parties are fully aware of the information that will be used in making decisions about the proposed activity.

STAGE 4 – Completeness Decision

The Supplemental Information is reviewed in the same manner as the EIA report to determine that the information provided by the proponent is complete. When the Review Team is satisfied that they understand the nature of the proposed activity and the proponent's description of potential effects and mitigation, the Review Team will recommend that the EIA report is complete. The Regional Environmental Manager will consider the recommendation and determine if the EIA report is complete. If so, the proponent and the appropriate Board or Minister will be advised that the EIA report is complete and the report will be formally referred to the Board or the Minister for project decision-making.

When the EIA report is part of an application to the EUB or NRCB, the Board will then proceed with its normal application review process that may include a public hearing to determine if the proposed activity is in the public interest. If the EIA report is referred to the Minster, it will be considered by the Minister with or without advice from the Lieutenant Governor in Council (Cabinet).

Public Consultation

Public consultation and involvement in decision-making is required under EPEA. Public involvement principles are reflected in the department's commitment to involving Albertans in environmental decision making. The department continues to adapt the way it delivers its services and carries out its mandate to ensure that public involvement is achieved throughout the environmental regulatory process and in other activities.

The department's Environmental Assessment process has a strong emphasis on public involvement. Following are some examples:

- Project-specific Terms of Reference document expectations and requirements for public consultation and are published in draft form and finalized with public input
- Notification requirements set out in applicable laws and regulations with the needs of the community in mind

- The EIA report Terms of Reference require an analysis of issues in which the proponent documents the issues identified through consultation and outlines whether they have been resolved
- The Review Team considers input from the public at the Terms of Reference stage and in the review of the EIA report with a view to ensuring that appropriate factual information is available to decision-makers
- The Review Team provides advice to the public and proponents about the process, including participation, when requested, in consultation activities
- Public notification and an opportunity to comment on the need for a public hearing, and if a public hearing is held, an opportunity for members of the public to participate in the hearing
- The Department maintains a public Register of information related to projects in the Environmental Assessment process. This contains any information provided by the proponent and input from stakeholders

Environmental Assessment's Role in the Project Approval Process

When complete, an EIA report plays an important role in Alberta Environment's review of applications related to the project. The report summarizes the nature of the activity, its potential local and regional environmental effects, proposed mitigation strategies and issues requiring further monitoring and investigation. The information in an EIA report and decisions that may arise from this information are considered when setting EPEA and/or *Water Act* approval terms and conditions including emission limits, monitoring requirements, research needs, siting and operating criteria, and decommissioning and reclamation requirements.

The EIA report and project-related decisions may also be considered in regional environmental and resource management systems and multi-stakeholder forums.

Need Information?

Alberta Environment maintains a Register of information related to environmental assessments in Alberta. The Register includes the following information:

- names of proponents (detailed contact information is also available)
- disclosure documents or detailed descriptions of proposed projects
- copies of public notices
- copies of statements of concern and other public comments
- Screening reports
- proposed and final Terms of Reference for EIA reports
- locations where EIA reports and Supplemental Information can be obtained or viewed
- Orders-in-Council

The Environmental Assessment Team maintains the Register. Information related to environmental assessments is entered into the Register as it becomes available during various stages of the Environmental Assessment process. A summary of information in the Register is prepared and distributed on a bi-weekly basis.

Register information can be accessed in person (address listed below) or by phone (780) 427-5828, fax (780) 427-9102 or e-mail (environmental.assessment@gov.ab.ca). Any person may, during normal business hours, examine information contained in the Register and may obtain one copy of any Register document, free of charge. Register information is also available on Alberta Environment's website at www.gov.ab.ca/env/protenf/assessment/index.html

Further information about Alberta's Environmental Assessment process can be obtained from:

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or from the nearest Alberta Environment Regional Office.

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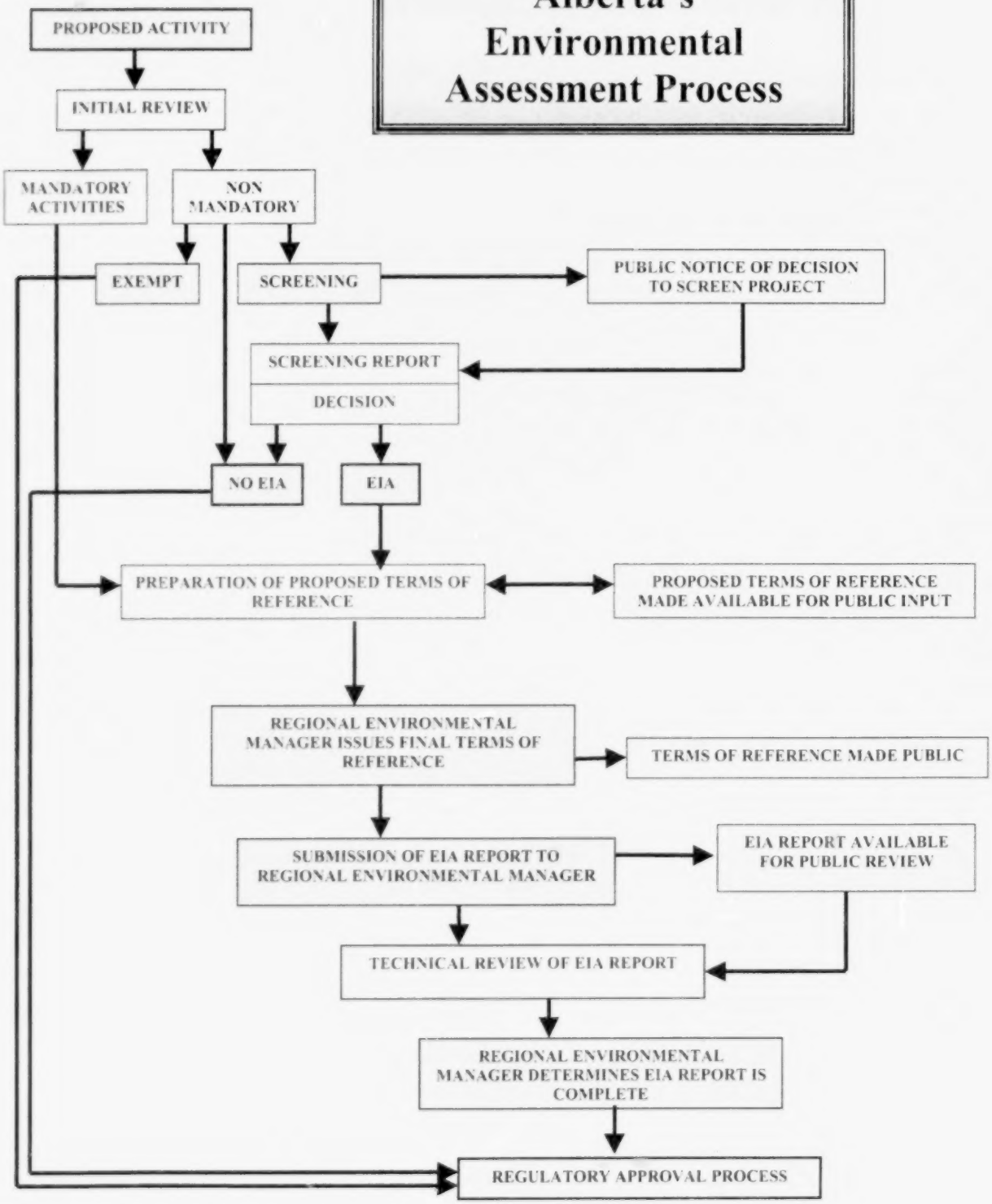
PROPOSED ACTIVITY
INITIAL REVIEW
MANDATORY ACTIVITIES
NON MANDATORY
EXEMPT
SCREENING
PUBLIC NOTICE OF DECISION TO SCREEN PROJECT
SCREENING REPORT
DECISION
NO EIA
EIA
PREPARATION OF PROPOSED TERMS OF REFERENCE
PROPOSED TERMS OF REFERENCE MADE AVAILABLE FOR PUBLIC INPUT
REGIONAL ENVIRONMENTAL MANAGER ISSUES FINAL TERMS OF REFERENCE
TERMS OF REFERENCE MADE PUBLIC
SUBMISSION OF EIA REPORT TO REGIONAL ENVIRONMENTAL MANAGER
EIA REPORT AVAILABLE FOR PUBLIC REVIEW
TECHNICAL REVIEW OF EIA REPORT
REGIONAL ENVIRONMENTAL MANAGER DETERMINES EIA REPORT IS COMPLETE
REGULATORY APPROVAL PROCESS